

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ALLEN JENNINGS SR.,)	4:18CV3056
)	
Plaintiff,)	
)	MEMORANDUM
v.)	AND ORDER
)	
STATE OF NEBRASKA, et al.,)	
)	
Defendants.)	

This matter is before the court on Plaintiff's motion for leave to proceed in forma pauperis (Filing No. [8](#)) and motion to conduct discovery (Filing No. [10](#)). Both motions were received and filed by the clerk of the court on June 1, 2018.

On April 20, 2018, the court granted Plaintiff's previously filed motion seeking leave to proceed in forma pauperis ("IFP") and ordered him to pay an initial partial filing fee in the amount of \$4.99 within 30 days. (*See* Filing No. [6](#).) The amount of the initial partial filing fee was calculated pursuant to [28 U.S.C. § 1915\(b\)\(1\)](#), based on an average monthly balance of \$24.97 in Plaintiff's trust account for the six months preceding the filing of the Complaint.

On May 30, 2018, after the required payment was not made, the court entered an order requiring Plaintiff to show cause why this case should not be dismissed for his failure to meet the payment deadline. (*See* Filing No. [7](#).) The pending motion to proceed IFP (Filing No. [8](#)) is dated May 28, 2018, and thus does not appear to have been filed in response to the court's show cause order.

Regardless, the pending IFP motion does not provide any new information. Plaintiff merely states, as he did in his initial IFP motion (Filing No. [2](#)) that he cannot afford to pay the filing fee and costs to prosecute this action because he earns only

\$2.25 per day as an inmate laborer. This does not constitute a showing of good cause because, as indicated above, the applicable statute provides that the amount of the initial partial filing fee is determined with reference to the prisoner's trust account balance. And, as Plaintiff was informed in the court's order granting him leave to proceed IFP, a prisoner is responsible for paying the full amount of the court's \$350.00 filing fee even if he is proceeding IFP.

Both motions filed by Plaintiff therefore will be denied, and the court's show cause order will remain in effect. Accordingly,

IT IS ORDERED:

1. Plaintiff's motion for leave to proceed in forma pauperis (Filing No. [8](#)) is denied without prejudice.

2. Plaintiff's motion to conduct discovery (Filing No. [10](#)) is denied without prejudice.

3. The court's show cause order entered on May 30, 2018, will remain in full force and effect. If Plaintiff does not pay the initial partial filing fee of \$4.99 by June 29, 2018, or make a sufficient showing of good cause by that date, this case will be dismissed without prejudice and without further notice.

DATED this 4th day of June, 2018.

BY THE COURT:

s/ Richard G. Kopf
Senior United States District Judge